

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

GIORGI RTSKHILADZE,)
v.)
) *Plaintiff-Appellant,*)
)
) No. 21-5243
ROBERT S. MUELLER, III)
)
)
 and)
)
UNITED STATES DEPARTMENT OF JUSTICE.)
)
)
 Defendants-Appellees.)
)

)

GIORGI RTSKHILADZE,)
v.)
) *Petitioner-Appellant,*)
)
)
)
)
)
 No. 22-3037
UNITED STATES DEPARTMENT OF JUSTICE.)
)
)
)
 Respondent-Appellees.)
)

)

MOTION TO UNSEAL APPELLANT'S OPENING BRIEF

On March 31, 2023, Appellant, Giorgi Rtskhiladze (GR), filed his Opening Brief under seal. Pursuant to Circuit Rule 47.1(b), GR now respectfully moves for an order that his Opening Brief be unsealed. The brief does not disclose any information that was put under seal by Judge Cooper in the related case or Chief Judge Howell in proceedings related to his grand jury testimony.

The related appeal was decided on motions to dismiss and the Amended Complaint is a public record. The Opening Brief as it relates to the dismissal relies solely upon the Amended Complaint and Judge Cooper's Memorandum Opinion, also on the public docket.

While the Opening Brief provides the procedural history of GR's efforts to obtain an unrestricted copy of his grand jury testimony from Chief Judge Howell, nowhere does the brief describe or discuss the reasoning of the Chief Judge.

The Joint Appendix has been deferred. GR acknowledges that portions of the Joint Appendix will contain information placed under seal by Judge Cooper and Chief Judge Howell and, therefore, under the current posture of this consolidated appeal, will need to be filed under seal. GR further acknowledges that depending upon the content of the Government's responsive brief, portions of the brief, under the current posture of these appeals, also may need to be under seal.

GR, however, reserves the right to move the Court to unseal whatever portions of the Government's brief it seeks to keep under seal.

On Friday, March 31, 2023, the day the Opening Brief was filed, GR sent an email to Government counsel asking which portions of the Opening Brief it believes should remain under seal. GR renewed that request on Monday, April 3, 2023, and was told that it was GR's responsibility to determine what in the Opening Brief should be redacted. GR believes the entire Opening Brief should be placed on the public docket.

For the foregoing reasons, GR respectfully moves that he be permitted to file his Opening Brief in the public docket unredacted.

Respectfully submitted,

Jerome A. Madden

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Dated: April 4, 2023

CERTIFICATE OF SERVICE

I, Jerome A. Madden, counsel for Appellant, certifies that on April 4, 2023, I caused to be served by CM ECF a copy of the Motion to Unseal Appellant's Opening Brief upon:

Sean R. Janda
Michael S. Raab
U.S. Department of Justice
950 Pennsylvania Ave, NW, Rm 7260
Washington, D.C. 20530

Jerome A. Madden
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